

**MINUTES
BOARD OF APPEALS
Monday, August 18, 2014
City Hall, Room 604
5:30 p.m.**

MEMBERS PRESENT: Don Carlson, Thomas Hoy, Rob Marx, and John Bunker

MEMBERS EXCUSED: Bob Maccaux and Justin Challe

OTHERS PRESENT: Paul Neumeyer, Susan Srenaski, David Holz, Tammy Pill, Beth Lax, Ald. J. Wiezbiskie,

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting. All stated no. He asked if any members had gone out to the properties. T. Hoy stated he was at all properties and R. Marx went to item #1. He then asked if anyone spoke to anyone regarding the variance requests. All replied no.

OLD BUSINESS

1. Susan Srenaski, property owner, proposes to replace an existing driveway in a Low Density Residential (R1) District at 1015 S. Ridge Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas, Section 13-1705, residential driveways.

S. Srenaski – 1015 S. Ridge Road: S. Srenaski stated that last month she came to get a variance to replace her driveway as it was too close to the property line and expected the extra parking spot on her property would be grandfathered in. She did remeasure her driveway as directed. There is a grassy area alongside her driveway; however, you cannot park there safely. She would like to be able to replace her concrete driveway as is so she has a place for her company to park. She cannot park on the street on Packer game days. R. Marx asked how wide the paved portion of the driveway is. S. Srenaski stated it is 9 ft. 11 in. wide and it is to her understanding that she can have a 12 ft. driveway. D. Carlson asked how often she uses the extra parking spot; she answered when she gets company.

D. Carlson informed J. Bunker as to what was discussed at last month's meeting regarding the property at 1015 S. Ridge Road. He was informed that R. Marx made a motion to grant the variance to replace the existing driveway without the illegal parking spot, but it ended up being tabled for one month. J. Bunker stated he thinks she should be able to keep what she has now, especially since she is making it look better.

D. Carlson asked P. Neumeyer how wide a driveway is for a single family home. He responded it could be as wide as 25 ft. at the property line and 30 ft. at the curb line. He stated that Ms. Srenaski can have a wider apron, but is not allowed to pave in the current setback, which is why she is asking for a variance. He stated that the driveway is being replaced and is no longer conforming and now needs to meet the current standards. The main issue is a vehicle cannot park in front of the house.

A conversation then ensued. D. Carlson asked P. Neumeyer if the variance that is being requested is due to the fact that she has a narrow lot, a narrow long driveway, and a preexisting condition of an illegal parking stall. P. Neumeyer stated that was correct. R. Marx stated he is still opposed to the illegal parking spot. D. Carlson asked for a motion.

A motion was made by J. Bunker and seconded by T. Hoy to grant the variance as requested. Motion carried 3-1 (opposed - R. Marx).

NEW BUSINESS

2. Tammy Pill, property owner, proposes to replace an existing driveway in a Low Density Residential (R1) District at 1562 Deckner Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas and Section 13-1705, residential driveways.

Tammy Pill – 1562 Deckner Ave: T. Pill stated she would like to replace the driveway and add a sidewalk to either side of the driveway to match up with the current sidewalk. The sidewalk on the west side of the house is 5 ft. wide and 6 ft. 9 in on the east side of the house. The width of the driveway is 14 ft. 1 in. with the edge of the driveway being 19 in. from the property line. By adding the sidewalks, it will allow for wheelchair access into her home as well as giving better access to the rear of the house.

D. Carlson asked P. Neumeyer if this was actually two variances being requested. P. Neumeyer stated that it was.

D. Carlson confirmed with T. Pill if she wanted the extra room on the sides to get people in and out of vehicles and the back gate. She stated that was correct.

A discussion then ensued. R. Marx stated he had no issue with the sidewalk by the gate, however, was not sure about the second sidewalk. J. Bunker also had no issue with the request and can see the safety issue. D. Carlson does not have an issue with the request.

David Holz – 1560 Deckner Ave: D. Holz stated he is a neighbor and has some concerns regarding water run-off, maintenance access to the sump pumps, and snow removal. Both of their sump pump drains drain together and they had gotten a variance to bury the lines together. He stated that with the new sidewalk and fence that is up, the grade changed by six in. and the run-off is now coming onto his property.

J. Bunker asked T. Pill if there was a way to hook up the downspout to the storm sewer. She stated she didn't even know where the storm drain was and that the downspout does not drain towards his property, it runs down the driveway.

J. Bunker recommended a condition be added to the variance that the downspout be connected to the sump pump drain line. P. Neumeyer stated that staff has been advised by the City Attorney's office that drainage issues are a civil matter between property owners.

D. Carlson stated that they have a chance to help resolve this issue. D. Holz, T. Pill, and J. Bunker had a conversation regarding the backyard drainage issues and location of the sump pump. Ald. J. Wiezbiskie stated that they may want to listen to the advice given by P. Neumeyer or table it for a month as suggested by J. Bunker earlier so the property owners could work a solution out on their own. D. Carlson stated that the condition J. Bunker suggested earlier be added to the variance, in which T. Pill stated she does not have a problem with doing.

A motion was made by J. Bunker and seconded by T. Hoy to grant the variance as requested with the condition the property owner must pick up the downspout on the right hand side of the driveway into the City storm sewer. Motion carried 4-0.

3. Tonya Wagner, Mau & Associates, on behalf of Bellin Health, property owner, proposes to construct a new commercial building at 617 South Roosevelt Street in a General Commercial (C1). The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, floor area ratio.

Tonya Wagner – Mau & Associates: T. Wagner stated Bellin Health is looking to construct a new building on the northeast corner of the proposed site. The reason for the variance request is because there is a City Ordinance that states a building must be 10% of the lot area and the building they are proposing would be just under 9% of the lot.

P. Neumeyer stated staff stands by the ordinance on Floor Area Ratio (F.A.R) and would like to see as much development on lots as possible. They would like to add a condition to require additional landscaping on the corner of Mason and Roosevelt to help define the corner. T. Wagner stated they are aware of this and are working on a solution.

D. Carlson asked P. Neumeyer the consideration they would have to make if they had proposed it as two separate projects; one as a parking lot and one which is a parking lot and a building. P. Neumeyer stated if both lots are zoned general commercial, the building and parking lot would be permitted, however, a free standing parking lot would require a Conditional Use Permit (CUP). D. Carlson asked if granting this variance would be granting a CUP in a roundabout way. P. Neumeyer stated that was correct. D. Carlson asked what the Plan Commission would look at for a request like this. P. Neumeyer stated they would consider green space and the overall use of the property.

T. Wagner was asked if they would consider building a larger building. She stated she is not the architect or the representative for Bellin Health and did not know the size of the building was an issue until after she spoke with P. Neumeyer. She believes the building was scaled to what they needed. T. Hoy asked if the rest of the lot was going to be used for parking for the new building. T. Wagner stated she thought that would be their intention, but knows it is an overflow lot for the hospital. P. Neumeyer stated for retail space it is essentially 1 parking spot for every 250 sq. ft. of interior retail space.

A discussion then ensued. D. Carlson expressed concern that this should be in front of the Plan Commission as it is more of a CUP request than a variance request. P. Neumeyer stated that it is all about the hardship and staff is standing behind the minimum F.A.R. needed for the building and that it could be more of a land use issue. D. Carlson made a recommendation to possibly deny the variance.

A motion was made by T. Hoy and seconded by R. Marx to deny the variance as requested. Motion carried 3-1 (opposed - J. Bunker).

4. Thomas Schrader, property owner, proposes to expand an existing driveway or add a second driveway in a Low Density Residential (R1) District at 2506 Van Beek Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas, Section 13-1705, residential driveways.

The applicant was not present for this item.

A motion was made by J. Bunker and seconded by R. Marx to table this item for 30 days. Motion carried 4-0.

5. Mark J. Cuddeback & Beth A. Lax, property owners, propose to maintain an existing expanded driveway in a Low Density Residential (R1) District at 3526 Spyglass Hill. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, residential driveways.

Beth Lax – 3526 Spyglass Hill Drive: B. Lax gave a brief history of their property and the reason why they started using their third stall garage. Since they have started parking in their third stall they have been running over the lawn to get in and out of the driveway, which created ruts in the yard. They expanded their driveway without a permit as they didn't know they needed one and were not informed by their contractor. A City inspector came out and inspected the driveway and a letter was received from the City Inspections Office saying there was an issue.

A conversation ensued. Ald. J. Wiezbiskie stated he has no issue with the variance being requested. J. Bunker expressed his displeasure, as a home builder and a commissioner, in the size of driveways and that the City Council may want to take a look at that ordinance in the future. R. Marx stated if the concrete hadn't already been poured he would have liked to see more of a standard configuration. T. Hoy stated he would have liked to see the curb cut farther so someone can pull right in. All are OK with the variance.

A motion was made by J. Bunker and seconded by T. Hoy to grant the variance as requested. Motion carried 4-0.

APPROVAL OF MINUTES:

Approval of the July 21, 2014, minutes of the Board of Appeals

A motion was made by J. Bunker and seconded by R. Marx to approve the July 21, 2014, minutes of the Board of Appeals. Motion carried 4-0.

A motion was made by J. Bunker and seconded by T. Hoy to adjourn the meeting at 6:47 p.m. Motion carried 4-0.

Meeting adjourned.